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THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Report of the Secretary-General

I. INTRODUCTION

1. The present report is submitted following the report of the Secretary-General of 13 August 1996 (A/50/861/Add.2) on the situation of democracy and human rights in Haiti and pursuant to paragraph 6 of General Assembly resolution 50/86 C of 29 August 1996, in which the Assembly requested me to submit to it regular reports on the work of the International Civilian Mission to Haiti (MICIVIH). Prepared in consultation with the Organization of American States (OAS), the report outlines the activities of MICIVIH under the joint auspices of OAS and the United Nations. It also assesses the human rights situation and the functioning of the institutions whose operations are crucial to the promotion and protection of human rights.

II. THE POLITICAL CONTEXT

2. The overall calm described in my previous report was disrupted in August by violent incidents which threw the spotlight on the security situation and on the manner in which the Government responded. Increasingly threatening statements by former military personnel demanding payment of what they considered their due, incidents condemned by the Government as acts of destabilization and rumours of a plot against the State led to the arrest, on 17 August, of 19 persons. Among them were 15 demobilized soldiers and 2 members of the Mouvement pour le développement national (MDN), an opposition party which had been seeking to attract the former soldiers.

3. In the following days, shots were fired at the main police station of the capital, the Parliament and the National Television building and, on 20 August, two MDN leaders were assassinated. The leaders of one opposition party alleged that the Government was involved, while the press quoted foreign officials who

implicated the Presidential Security Unit. This led to the suspension of the unit's two supervising officers in September, as well as bilateral and international efforts to reinforce the security of the President.

4. The situation has since improved owing to a number of factors: the Government committed itself publicly to address the issue of its obligations to the demobilized soldiers, who eventually refrained from disrupting or threatening to disrupt public order; the Parliament adopted the economic and public sector reform bills; and the performance of the new police force was perceived as improving. The situation has nonetheless remained fragile. Disruptive protests, both for socio-economic reasons and against corruption, have continued. New arrests on charges of plotting against the security of the State have been made, including that of the leader of the Alliance pour la libération et l'avancement d'Haïti (ALAH), an opposition party, in October. Difficult challenges lie ahead, in particular, reinforcing the authority of the State, reforming the justice system and implementing economic and public sector reforms. In this context, divisions within the ruling Lavalas movement, as well as the opposition parties' deep distrust of the Government, as reflected in their responses to the Government's efforts to reconstitute the Provisional Electoral Council, will require skilful management by the Government.

III. ACTIVITIES OF THE INTERNATIONAL CIVILIAN MISSION TO HAITI

5. In response to the recommendation of the Secretary-General, and following President Préval's request of 18 July 1996 (A/50/861/Add.2, annex), the General Assembly, on 29 August 1996, extended the mandate of the United Nations component of MICIVIH until 31 December 1996 (resolution 50/86 C, para. 2). The Mission's strength and mandate remained unchanged.

6. With an average effective strength somewhat below the mandated level of 64 United Nations and OAS personnel, the Mission retained a permanent presence in seven of the nine administrative regions of the country.

7. The Mission was tasked with: (a) verifying full observance by Haiti of human rights and fundamental freedoms; (b) providing technical assistance at the request of the Government of Haiti in the field of institution-building, such as training of the police and establishment of an impartial judiciary; and (c) supporting the development of a programme for the promotion and protection of human rights in order to promote a climate of freedom and tolerance propitious to the consolidation of long-term constitutional democracy in Haiti and to contribute to the strengthening of democratic institutions.

8. The monitoring of police conduct, with particular reference to respect for human rights and the observance of due process, continued to constitute a central activity of the Mission. In the area of institution-building, the Mission participated in training programmes at both the Ecole de la Magistrature (Magistrates School) and the Police Academy, and also cooperated with the Ministry of Justice and donors. A number of the Mission's recommendations and suggestions with regard to the police and the judiciary have been or are in the process of being implemented. Human rights promotion and civic education activities requiring financial outlays were slowed by delays in the process of

renewing the Mission's mandate. Public information activities relating to the work of the Mission continued apace, however.

IV. THE HUMAN RIGHTS SITUATION

9. Improvements in the human rights situation were maintained and the authorities showed a continuing commitment to fighting impunity and to strengthening the protection of human rights. Violations by State agents of the right to life and physical integrity remained relatively sporadic. At the same time, in spite of some improvement, major concerns in the judicial domain included glaring violations of legal and constitutional procedures as well as continued shortcomings in the area of respect for due process.

A. Reports of abuses by the Haitian National Police

10. The firm response of the authorities to egregious violations reported earlier appeared to have curbed the worst premeditated abuses - summary executions and torture - by the Haitian National Police (HNP) which had emerged in the first seven months of the year. Nevertheless, nine people were shot dead by police in September, the highest figure since March, bringing the total killed since January to more than 40. Most recent incidents occurred in Port-au-Prince, but others were reported in the Artibonite, Grande Anse and North departments. While there may have been legitimate grounds for the use of force on some occasions, force seems to have been used excessively in some cases. One summary execution was reported in September and another possible instance in November. However, none of these incidents appeared to be politically motivated. Several recent incidents, both fatal and non-fatal, occurred when police in plainclothes, mostly off-duty, became involved in disputes and used their firearms in public places. The Inspection Générale (office of the Inspector General) responded swiftly by carrying out immediate inquiries and by suspending and disarming those allegedly implicated, pending the outcome of the inquiries. However, the frequency and nature of the incidents suggest a need for stricter control over the use of firearms.

11. After a sharp rise in the first seven months of the year, particularly in Port-au-Prince, the number of allegations of beatings of people in police custody decreased. Most of the detainees interviewed throughout the country by MICIVIH did not report having suffered ill-treatment. High-profile detainees, including members of opposition parties and former members of the Armed Forces of Haiti, were by and large treated well before their transfer to prison, but a handful alleged they were threatened, manhandled or beaten during arrest or interrogation. Some individuals arrested and accused of armed crimes also alleged that they had been beaten.

B. Incidents allegedly involving other police or security units

12. On several occasions, MICIVIH raised concerns with the authorities about alleged abuses by members of the Presidential Palace Guard and the Presidential Security Unit. Allegations that members of the Presidential Guard were involved

in the 20 August killing of two MDN members have yet to be substantiated. No progress seems to have been recorded in the judicial investigations into the killings. HNP is now initiating an internal inquiry.

13. Strict instructions were issued to palace security units by President Préval in late August to desist from carrying out security operations other than those related to the protection of the president and the palace. In addition, by a decree dated 8 August 1996 but made public only in September, palace security units were placed under the authority of HNP, including with regard to disciplinary procedures.

14. MICIVIH also raised concerns about the existence of parallel security forces, including heavily armed so-called municipal police in the capital. Five security agents from the Mairie (City Hall) in Port-au-Prince were reportedly dismissed after their alleged involvement in the killing in August of a suspected thief. Reports of beatings by members of the Conseils d'Administration des Sections Communales (CASECs - Municipal Section Administrative Councils) were also received from some rural areas.

C. Arrest and detention procedures

15. MICIVIH continued to monitor arrest procedures and the legal situation of detainees held in police stations and in prison. It drew the attention of the authorities to the failure to respect legal and constitutional arrest and detention procedures reported in a number of cases, including the arrest of a justice of the peace accused by the police of illegally releasing detainees and the failure to respect a court order to release the leader of an opposition party. Some delays were reported in bringing detainees before judges within the 48-hour period stipulated by the Constitution, though in general the requirement was respected.

16. A new development was the arrest of more than 40 individuals accused of threatening State security and related charges between August and October. Arrest warrants were issued against more than 60 others in October. MICIVIH expressed its concern about the vagueness of the accusations against the detainees, which did not specify individual charges. Those arrested included former members of the Armed Forces of Haiti, members of MDN, the leader of the opposition party ALAH and a former mayor. While a few were released, most remained in prison as of the end of October. MICIVIH monitored their legal situation and the conditions of their detention. All but six had appeared before a juge de paix (justice of the peace) by the end of September, though in some cases after the 48-hour limit. Most of the cases appeared to have been referred to a juge d'instruction (examining magistrate). Some detainees were interrogated by a special unit set up by the Port-au-Prince Commissaire du gouvernement (State Prosecutor). MICIVIH's concerns about the legality of the unit, the inclusion in it of persons who were neither police nor judicial officials and the apparent absence of proper judicial scrutiny were raised with the Minister of Justice and the State Prosecutor. MICIVIH was later informed that the unit would be abolished.

17. Little or no progress was reported in legal proceedings against 10 other individuals accused of offences related to State security who were arrested between April and July 1996. The determination of their judicial status by the examining magistrate as required by the criminal code is now overdue. Four appear to have no judicial dossier. MICIVIH also continued to draw attention through public reports and in meetings with the authorities to the many other cases of prolonged pre-trial detention in prisons and police detention centres throughout the country, although some improvements were noted in certain localities.

D. Investigations into abuses by state agents

18. Internal mechanisms for investigating police abuses were consolidated and police authorities sent a clear message that such practices would not be tolerated by dismissing or temporarily suspending those implicated. The Inspector General began handing over cases to the State Prosecutor in Port-au-Prince for further action and some police agents were arrested for alleged abuses as well as for criminal activities. Police also arrested a number of HNP agents suspected of involvement in criminal activities, and greater efforts were made to condemn police abuses publicly and to inform the public of disciplinary measures taken.

19. While few allegations of abuse by prison administration guards were reported to MICIVIH during this period, it should be noted that, according to prison officials, no sanction other than a general reprimand was handed down in the beating on 3 September of two women detainees in Fort National prison in Port-au-Prince.

E. Prosecution of those responsible for human rights violations during the de facto regime

20. There were few positive signs of progress in investigations into past human rights violations, although the Government was prompted to make greater efforts to tackle the issue of impunity by public pressure following the acquittal of two men accused of the 1993 killing of Justice Minister Guy Malary and protests at the delays in bringing to trial those alleged to be responsible for the 1994 Raboteau massacre. A handful of former members of the military or their collaborators were sentenced for past human rights violations, mainly in the department of the Centre, but others were released or arrest warrants remained pending.

21. On 30 September, the anniversary of the coup d'état, the Government began distributing the report of the National Truth and Justice Commission. With regard to documents seized by United States troops at the headquarters of the Armed Forces of Haiti and the Front révolutionnaire pour l'avancement et le progrès d'Haïti (FRAPH) at the time of the intervention of the Multinational Force in Haiti, no bilateral agreement had been reached on conditions for handing them over to the Haitian authorities.

F. "Popular justice" killings

22. Reports of "popular justice" killings, where persons suspected of criminal acts or of being associated with such persons are killed by crowds, fluctuated sharply. Between January and the end of September, 101 individuals had reportedly been killed during 50 such incidents. Figures for August (one killing) and September (three) were among the lowest for the year, but rose sharply again in October (nine). The fact that one of these victims was killed after being pulled out of a courtroom in front of police and judicial officials again illustrated the difficulties faced by State officials in exercising their authority.

V. Institution-building activities of the International Civilian Mission to Haiti

A. The Haitian National Police

23. Structural weaknesses and operational constraints which hamper the effectiveness of HNP continued to be addressed by the HNP management with the assistance of the civilian police (CIVPOL) element of the United Nations Support Mission in Haiti (UNSMIH) and of major donors. As before, President Préval lent his authority to bolster these efforts by chairing the committee on institutional development, comprising government and police officials, UNSMIH, donors, and MICIVIH. These efforts met with some success and the public perception of HNP's performance in Port-au-Prince is starting to improve. In particular, the police were credited with ensuring a trouble-free start to the school year in early October despite threats of obstruction by organizations made up of former members of the Armed Forces.

24. The absence of police in rural sections resulted in the continuing practice of resorting to parapolice agents (e.g. voluntary police), members of CASECs and others to carry out police functions. This problem needs to be resolved urgently to prevent the entrenchment of parallel security forces and a resurgence of local vigilante groups.

25. MICIVIH activities focused on monitoring the performance of the police with regard to human rights, participating in the training of police officers at all levels, recommending measures to improve certain operational and disciplinary procedures, and facilitating police community outreach. Some steps now being taken include measures recommended in MICIVIH's report in July 1996 on the human rights record of the HNP. The report was made public in August.

26. MICIVIH worked closely with the Office of the Inspector General whose capacity and effectiveness have improved appreciably over the past few months. Speedier internal inquiries, conducted with the technical assistance of UNSMIH CIVPOL, concluded in disciplinary measures ranging from warnings to dismissals. By the end of October 1996, some 40 police agents had been dismissed from the force. It is regrettable, however, that the Inspector General's report on incidents in the Cité Soleil of March 1996 has not yet been released. Police authorities also placed increased emphasis on the role played by newly deployed departmental directors and police commissioners in enforcing discipline and

investigating abuses. To further strengthen internal disciplinary procedures, MICIVIH proposed the addition of a number of serious human rights violations to the list of punishable breaches of police conduct. Information on new cases of serious abuses documented by MICIVIH was transmitted to the Inspector General, and proposals for the transmission of information by police to prosecutors for the pursuance of judicial inquiries into criminal acts committed by HNP agents were also submitted to appropriate government and police authorities.

27. In addition to human rights training for HNP members, MICIVIH designed a training module on the use of force to complement firearms instruction. It is also participating in the preparation of programmes to train investigators of the Inspector General's Office and in the retraining of presidential and palace guards. Training presentations drew on the pertinent United Nations instruments, in particular the United Nations Code of Conduct for Law Enforcement Officials, as well as HNP's performance, as monitored by the Mission in the field, including incidents of abuse and misconduct.

28. To improve detention conditions in police stations, MICIVIH drew up a detention register in collaboration with UNSMIH CIVPOL which was approved for distribution by HNP directors. MICIVIH was also instrumental in urging the prison administration, Administration pénitentiare nationale (APENA), with support from the International Committee of the Red Cross (ICRC), the United Nations Development Programme (UNDP) and UNSMIH, to help improve prison conditions in Carrefour Police Station. Similar projects will be undertaken in other police stations which in some areas are being used increasingly as detention centres because of judicial processing delays.

29. MICIVIH has worked closely with UNSMIH CIVPOL personnel in helping HNP to improve its outreach to local communities. HNP agents participated in MICIVIH civic education seminars and radio programmes explaining the role of the police and answering questions from the public. In some places this has enabled HNP to repair strained relations with local communities. In the Grande Anse, where HNP had regularly collaborated with MICIVIH civic education programmes, the police themselves launched a programme.

B. Prisons and detention centres

30. In mid-July, APENA guards at the National Penitentiary went on strike to demand the same rights and remuneration as HNP agents, thus delaying criminal trials in Port-au-Prince. In response, the Government has prepared a bill to incorporate APENA into the Haitian National Police. There has been some concern, however, that the autonomy of APENA could be weakened by the proposed links between the two institutions.

31. At the request of the prison administration, MICIVIH submitted comments on a draft prepared by APENA for internal regulations for prison facilities, which included guidelines for the provision of food, medical services, hygiene, access to education and professional training, and contact with the outside world, as well as security and disciplinary measures. The regulations are due to be adopted soon.

32. MICIVIH observers throughout the country interviewed several hundred detainees in order to assess their conditions, treatment and judicial status. They documented long judicial delays which contributed to acute overcrowding in some prisons and detention centres. The tendency for judicial officials to place those accused of minor offences in detention rather than granting them provisional liberty also contributed to overcrowding. Even though conditions of detention improved steadily, sanitation, nutrition and health care remained much below international standards. The UNDP prison reform project continued to provide training to all prison staff, including support for staff members responsible for maintaining prison registers. It also prepared plans for renovating prisons in different parts of the country and organized and funded renovations for the prison in Port-de-Paix which was in danger of collapse. MICIVIH participated in a review organized by UNDP of all persons detained in the Port-au-Prince prisons, which was to identify those who lacked individual files or whose cases were at a standstill.

C. The justice system

33. The issue of judicial reform returned to the centre of public attention during this period, both with regard to the performance of the judiciary in relation to past human rights violations and to its handling of cases involving former State officials, members of political parties and former members of the Armed Forces accused of corruption or of threatening State security. Glaring shortcomings in the judicial system were illustrated by the trial and acquittal of two men accused of killing Justice Minister Guy Malary, which caused a public outcry, particularly regarding the role of the Public Prosecutor. Partly in response to the heightened criticism, a judicial reform bill was submitted to Parliament on 3 October. The Senate is conducting a national debate on its provisions, some of which are perceived as controversial by certain sectors, particularly those that concern the dismissal and nomination of judges. The Ministry of Justice undertook other important initiatives, which over time could help to rebuild public confidence in the judiciary. In the short term, however, the most critical problems and major bottlenecks remain, exacerbated by the absence of consensus on an overall strategy.

34. The Mission participated in Ministry of Justice/donors coordination meetings as well as in the monthly coordination meeting chaired by the Prime Minister which has the task of monitoring progress on a number of agreed measures in the field of justice. However, the pace of implementation by the Ministry of Justice has still not matched the progress made in consolidating HNP and APENA. This has sometimes led to tensions between the different institutions over their respective areas of authority and over responsibility for shortcomings.

35. The Mission collaborated with the efforts of the Ministry of Justice to implement judicial reform, supported by French and United States initiatives to strengthen the judicial system. Among these was a project to improve public prosecution registries in six key regions. Significant progress in setting up the new system was noted, despite technical difficulties. MICIVIH has also proposed to the Ministry of Justice urgent measures to deal with the acute backlog of criminal cases in Port-au-Prince.

36. Although there was some improvement in the number of cases that underwent judicial processing, a survey conducted by MICIVIH revealed that the situation was particularly critical in Port-au-Prince, where 94 per cent of detainees were in pre-trial detention, as compared to some 80 per cent nationally. MICIVIH continued to facilitate meetings between prison, judicial and police authorities to improve communication, to better streamline the pre-trial phase of prosecutions and to prevent detainees from getting lost in the system. These initiatives played a key role in the improvements observed in places that succeeded in "turning the tide" of high pre-trial detentions.

37. MICIVIH observers continued to visit judicial officials and courts throughout the country, attend trials, monitor the legal status of detainees and discuss human rights issues relating to the criminal law and penal procedure with members of the judiciary. A MICIVIH press release in September highlighted the problem of prolonged pre-trial detention, detailing judicial shortcomings which severely impaired investigations, such as incomplete preliminary inquiries, delays in proceedings, insufficient judicial officials to carry out investigations, lack of training and insufficient resources. Inadequacies in the system were most apparent during criminal court sessions monitored by MICIVIH observers. Lack of case preparation, poor organization, failure to constitute juries and the arbitrary application of the law were among the failings noted.

38. Judicial investigations remained inadequate. While some training has been carried out for judicial officials and public prosecutors at the Ecole de la Magistrature with the support of the international community, the need for further training and resources remains urgent. MICIVIH presented to the Government a proposal for the creation and training of a special team of prosecutors and judges to investigate cases of past violations of human rights and the currently most serious crimes. The Justice Ministry agreed, as a priority, to create a team, including two additional prosecutors and one investigative judge, to support the Gonaïves judicial officials investigating the 1994 massacre of Raboteau, for which an ex-captain of the Armed Forces and a former FRAPH leader are awaiting trial. The project also includes a second phase of training for a large number of officials, and eventually a permanent training course for all judicial officials as a third step to increase their professional investigative capacity.

39. The functioning of the judiciary continued to be hampered by material and logistical problems, such as inadequate court buildings and a lack of basic equipment. However, new courts are being built in some departments with bilateral donor support. The Minister of Justice announced that more courts would be created and additional judicial personnel appointed. Lack of resources prevented judicial inspectors from functioning outside the capital and also seriously hampered the development of the Ombudsman's office.

40. Basic court administration and budgeting skills need strengthening. Reporting and coordination between the judicial hierarchy and the Ministry has improved but communication problems persist, particularly in rural areas. Ministry officials recently initiated meetings in the capital with State prosecutors and judges of all departments in an attempt to solve these problems. The Ministry also conducted a professional evaluation of all its personnel at

its head office, as well as a survey of its overall structure. The resulting recommendations, once implemented, should improve the functioning of the Ministry substantially.

41. At the request of the National Assembly and the Ministers of Justice and Foreign Affairs, MICIVIH provided information on regional and international human rights treaties not ratified by Haiti. The Ministry of Justice and HNP adopted and agreed to distribute ministerial circulars relating to arrest and detention, search and seizure and police detention which had been drafted with MICIVIH's assistance. A draft circular on the use of Créole in the justice system is also under discussion.

42. MICIVIH continued to provide training on principles of human rights and respect for judicial guarantees at the Ecole de la Magistrature. The school's status, which has not yet been determined, was one of the topics discussed at a major colloquium on the independence and status of the judiciary organized by the Ministry of Justice, with the support of donors, on 8 and 9 November.

VI. HUMAN RIGHTS PROMOTION

43. MICIVIH's activities in the promotion and protection of human rights were restricted during a five-week period immediately after the renewal of the mandate, pending the availability of funds. However, the Mission was able to produce in-house video and radio documentaries on violence against women and on the rehabilitation of victims of organized violence, which were widely broadcast. MICIVIH began collaboration with the Ministry of Justice for the bi-weekly production of an educational television programme about the justice system. In several departments, it sponsored radio call-in programmes on local stations during which judicial and police officials were invited to discuss their work and respond to the public.

44. A new development in MICIVIH's use of cultural activities as a vehicle for human rights promotion was the creation of a Haitian puppet show designed to deter summary "popular justice" and to inform the general population about the proper role of the police and the courts. It was performed around the country to large, enthusiastic audiences. The Mission also organized the painting of public murals on human rights themes, including one in a prison in Jacmel.

45. The Mission pursued its collaboration with government agencies. It helped the Secretariat of State for Youth, Sports and Civic Service to organize a conference on civic education and held a second series of seminars on women's rights in cooperation with the Ministry of Women's Affairs and Women's Rights.

46. With the support of local officials and non-governmental organizations (NGOs), one- and two-day civic education seminars were held around the country, focusing on understanding the judicial system. MICIVIH observers continued training Haitian instructors, reinforcing their knowledge of human rights and supporting them in their efforts to hold seminars in diverse communities.

47. Supporting the work and strengthening the capacity of Haitian human rights NGOs remained a priority. MICIVIH held further meetings with participants in

its two-week intensive training course in August. In collaboration with NGOs, it continued to reinforce Haitian facilities for the provision of medical, social and psychological assistance to victims of past human rights violations. The Mission was also completing a study on the medical and psychological effects of repression based on the experiences of MICIVIH's Medical Unit and on those of other health professionals.

48. Conflict resolution activities with peasant leaders human rights organizations and municipal and police authorities continued. These included a training seminar for mayors and police in Milot (Cap-Haïtien) and for peasant leaders in the Artibonite, a region prone to violent conflicts over land. Haitian lawyers working with MICIVIH as trainers as well as staff members of the United Nations Children's Fund (UNICEF) took part in a training session on conflict resolution specially organized for MICIVIH observers. A MICIVIH project for mediation and conciliation training at the Ecole de la Magistrature is in preparation.

VII. RELATIONS WITH INTERNATIONAL AGENCIES AND WITH THE UNITED NATIONS SUPPORT MISSION IN HAITI

49. As in previous months, MICIVIH continued to collaborate with UNDP particularly in relation to the maintenance of prison registers and on issues related to prison conditions. It also collaborated as appropriate with specialized agencies of the United Nations system. In the framework of its joint project with the United Nations Educational, Scientific and Cultural Organization (UNESCO) on conflict resolution, MICIVIH organized performances in rural Artibonite communities, depicting the mediation of a dispute between two peasants. Other joint project activities included the production of a conflict resolution training video and the production of Créole language materials.

50. Apart from weekly executive meetings, the MICIVIH Executive Director continued to participate in the weekly meetings between the Special Representative of the Secretary-General and the President of the Republic and raised concerns about human rights issues as appropriate. MICIVIH staff members continued to participate in working groups on justice and on the police; these groups are composed of government officials, representatives of the Friends of the Secretary-General on Haiti and staff members of UNSMIH. Discussions focused on strengthening the police force and the judicial reform programme.

51. MICIVIH continued to collaborate closely with UNSMIH in Port-au-Prince and the rest of the country, exchanging information, liaising on police and judicial matters and assisting the Government of Haiti in the institutional development of HNP. MICIVIH also took part in weekly meetings with UNSMIH on public information activities. UNSMIH continued to provide extensive administrative support to MICIVIH.

VIII. CONCLUSION

52. The emphasis placed on institution-building and reform by the Government, the relevant authorities and the international community is starting to bear

fruit. New institutions such as HNP and APENA are slowly being consolidated and there is a noticeable change in the public's perception of the performance of HNP. The continued insistence on accountability and the rejection of impunity have contributed to the improved human rights situation. Nevertheless, some recent events show that continued vigilance is necessary. The major bottlenecks and structural weaknesses in the judiciary must be resolved urgently in order to restore eroded public confidence in the justice system. Legal and constitutional procedures must be observed scrupulously to ensure that measures taken to counteract corruption and threats to State security cannot be interpreted as arbitrary acts intended to restrict or punish political opponents. The intangibles of trust and confidence are as essential to building a state of law as is respect for human rights and due process.

53. While gratifying, the gradual improvements in the functioning of the Haitian National Police and in the prison administration have not been matched by a similar process of reconstruction in the other institutions on which the enjoyment of human rights in a society of law hinges, particularly the judiciary. It is encouraging that the Haitian Senate now has before it proposals for badly needed judicial reform which, if enacted, would provide parliamentary support for beginning a long-overdue reconstruction of the judicial sector. However, these proposals can only become an important element in the efforts to reinvigorate the judicial system if they meet with the widest support among the interested sectors and society as a whole. It is my conviction that the implementation of an agreed judicial reform process of the magnitude needed, together with the need to overcome remaining weaknesses in the police and prison administration, will require continued assistance from the international community. As I pointed out in my previous report, it is in these areas that MICIVIH has placed emphasis since its redeployment in October 1994 and it is in these areas that the Mission, because of its extensive field experience and accumulated expertise, would be able to make a significant contribution to the consolidation of key structures charged with protection of human rights and to the deepening of the democratic process. The Government of Haiti shares my assessment and has requested, in a letter to me from President Préval of 30 November 1996 (see annex), an extension of the mandate of MICIVIH for a 12-month period.

54. Following consultations with the Secretary-General of the Organization of American States, I therefore recommend to the General Assembly that it authorize a 12-month extension of the mandate of the United Nations component of MICIVIH at its present level when its current mandate expires on 31 December 1996, with a focus on assisting the Haitian authorities in their efforts to rebuild and consolidate the cornerstone institutions of a democratic society based on law and respect for human rights.

55. I take this opportunity to express my appreciation for the creativity and commitment with which the Director and the staff of the Mission have carried out its mandate.

ANNEX

[Original: French]

Letter dated 30 November 1996 from the President of Haiti addressed to the Secretary-General

I have the honour to inform you that the Haitian Government wishes to have the mandate of the International Civilian Mission to Haiti (MICIVIH) renewed until 31 December 1997.

Since its establishment in Haiti, the Mission has played an important role in support of the protection of human rights. Its presence in the country is justified by the fact that the institutions responsible for ensuring the rights of citizens are continuing to show signs of weakness which must be addressed urgently.

In this context, the Haitian Government is convinced that, with the support of MICIVIH, it will be possible to continue the process of institution-building, the training of the State agents concerned and the dissemination of the principles of human rights.

(Signed) René PREVAL